

NURSING BOARD[655]

Adopted and Filed

Rule making related to administrative and regulatory authority of the board

The Board of Nursing hereby rescinds Chapter 1, “Administrative and Regulatory Authority,” Iowa Administrative Code, and adopts a new Chapter 1 with the same title.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code chapters 17A, 147, and 152.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 17A, 147, 152, and 272C.

Purpose and Summary

Iowa Code section 17A.3 requires that agencies adopt as a rule a description of the organization of the agency that states the general course and method of its operations, the administrative subdivisions of the agency and the programs implemented by each of them, a statement of the mission of the agency, and the methods by which and the location where the public may obtain information or make submissions or requests. Chapter 1 provides this information for the Board. Pursuant to Iowa Code section 17A.7, the Board conducted a five-year review of this chapter and adopted a number of changes to simplify the chapter and also align it with the Board’s current practices.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 17, 2021, as **ARC 6034C**. A public hearing was held on December 7, 2021, at 9 a.m. at the Board’s Office, Suite B, 400 S.W. Eighth Street, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on January 19, 2022.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 655—Chapter 15.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on March 30, 2022.

The following rule-making action is adopted:

Rescind 655—Chapter 1 and adopt the following new chapter in lieu thereof:

CHAPTER 1
ADMINISTRATIVE AND REGULATORY AUTHORITY

655—1.1(17A) Board mission. The board of nursing protects the public health, safety, and welfare by regulating the licensure of nurses, the practice of nursing, nursing education, and continuing education.

655—1.2(17A,147,152,152E,272C) Description and organization of the board.

1.2(1) Board composition. The board is composed of four registered nurses, two of whom are engaged in active practice and two of whom are nurse educators from nursing education programs; one licensed practical nurse actively engaged in practice; and two members who represent the general public and are not registered nurses or licensed practical nurses. Of those board members who are nurse educators, one should be involved in higher education, and the other should be involved in area community college and vocational-technical nurse education.

1.2(2) Board leadership and committees. The board shall annually select a chairperson and a vice chairperson from its own membership. The election of chairperson and vice chairperson, as well as standing committee assignments, shall be done during the first regularly scheduled meeting after May 1.

1.2(3) Executive director. The board shall retain a full-time executive director who is responsible for the administration of policies and programs of the board and for the operation of the board office. Pursuant to Iowa Code section 135.11B, the board shall advise the director of the department of public health in evaluating potential candidates for the position of executive director, consult with the director in the hiring of the executive director, and review and advise the director on the performance of the executive director in the discharge of the executive director's duties.

1.2(4) Board authority. The board's authority for regulating nursing education, nursing practice, and continuing education for nurses in the state of Iowa is found in Iowa Code chapters 147, 147A, 152, 152E, and 272C.

655—1.3(17A,152,152E,272C) Responsibilities. The responsibilities of the board include but are not limited to:

1. Licensing qualified applicants for the practice of nursing by examination, endorsement, renewal, and compact privilege pursuant to Iowa Code chapters 147, 152, 152E, and 272C.
2. Conducting investigations and imposing discipline for violations of statutes or rules related to the practice of nursing pursuant to Iowa Code chapters 147, 152, and 272C.
3. Approving nursing education programs pursuant to Iowa Code section 152.5.
4. Collecting, analyzing, and disseminating nursing workforce data pursuant to Iowa Code section 152.4.
5. Approving continuing education providers to ensure continued competency of individuals licensed by the board to practice nursing pursuant to Iowa Code chapter 272C.
6. Administering the Iowa nurse assistance program to support the evaluation and monitoring of licensees who are impaired as a result of any substance use or mental or physical condition pursuant to Iowa Code section 272C.3.
7. Overseeing the nursing profession through policymaking, rule making, and advocating for and against legislation pursuant to Iowa Code section 135.11B.

655—1.4(17A,272) Submission of requests, obtaining information, and board office. Members of the general public may obtain information or submit requests or complaints relative to the licensure of nursing, practice of nursing, nursing education, continuing education, or any other matters relating to the function and authority of this board. Correspondence should be submitted to the executive director at the board office. The board office is located at: RiverPoint Business Park, 400 S.W. Eighth Street, Suite B, Des Moines, Iowa 50309-4685.

655—1.5(17A,21) Meetings.

1.5(1) Quorum. A majority of the members of the board constitutes a quorum.

1.5(2) Meeting schedule and public notice. The board shall schedule and hold regular meetings. The date, time, and location of each meeting of the board shall be made available to the public on the board's website and upon request by contacting the board office.

1.5(3) Special meetings. Special meetings of the board may be called by the chairperson or upon request of four board members to the chairperson or the executive director.

1.5(4) Meeting materials. Materials received at the board office at least three weeks prior to a scheduled board meeting shall be placed on the agenda. Materials from emergency or unusual circumstances may be added to the agenda with the chairperson or executive director's approval.

1.5(5) Public observation and comment. The board shall provide a means for members of the public to observe and, when appropriate, offer public comment during board meetings unless the board votes to hold a closed session.

a. Anyone who has submitted materials for the agenda or whose presence has been requested by the board shall be given the opportunity to address the board.

b. At every regularly scheduled board meeting, time will be designated for public comment. During the time on the agenda for public comment, anyone may speak for up to two minutes per person. Requests to speak at a later time for two minutes per person when a particular topic comes before the board should be made at the time for public comment and will be granted at the discretion of the chairperson. No more than ten minutes will be allotted to public comment at any one time unless the chairperson indicates otherwise.

c. One who has not asked to address the board during the time for public comment may be recognized by the chairperson upon request. Acknowledgment and an opportunity to speak will be at the discretion of the chairperson.

655—1.6(147,152,272C) Communications. The board may issue or disseminate communications as a means to provide information to licensees and the general public related to the mission and responsibilities of the board. Board communications may include, but are not limited to, publishing updates on its website, issuing a newsletter, and other written, audio, or video methods of communication.

These rules are intended to implement Iowa Code chapters 17A, 147, 152, 152E, and 272C.

[Filed 1/24/22, effective 3/30/22]

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